

ENERTRODE, INC.,  
Plaintiff,  
v.  
GENERAL CAPACITOR CO. LTD, et al.,  
Defendants.

Case No. [16-cv-02458-HSG](#)

**ORDER REGARDING REVISED  
JOINT FILING ON DISPUTED  
CITATIONS TO EVIDENCE**

Re: Dkt. No. 279

On November 8, 2018, the parties submitted a joint filing regarding disputed deposition testimony designations. *See* Dkt. No. 279.<sup>1</sup> Having considered the parties' arguments, the Court rules on the admissibility of the deposition designations as follows<sup>2</sup>:

RELATED EXHIBIT	DEPONENT	DESIGNATION	RULING
Ex. 1	Lewis, Darrell	12:23–14:12	Objection overruled
Ex. 2	Lewis, Darrell	51:04–21	Objection overruled
Ex. 3	Lewis, Darrell	84:03–85:10	Objections overruled
Ex. 4	Lewis, Darrell	89:07–15	Objections overruled
Ex. 6	Lewis, Darrell	95:04–101:01	Objection overruled
Ex. 7	Lewis, Darrell	101:02–20	Objection overruled
Ex. 9	Lewis, Darrell	102:17–24	Objection overruled
Ex. 10	Lewis, Darrell	102:25–103:05	Objections overruled

<sup>1</sup> Attachments to the joint filing were submitted on November 9, 2018. *See* Dkt. Nos. 280–81.

<sup>2</sup> The Court does not address withdrawn designations or objections. Nor does the Court address uncontested counter-designations.

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1	Ex. 11	Lewis, Darrell	103:10–104:14	Objection overruled
2	Ex. 12	Lewis, Darrell	105:02–106:13	Overruled as to foundation objection. Sustained as to hearsay testimony.
3	Ex. 14	Lewis, Darrell	114:04–115:13	Objections overruled
4	Ex. 15	Lewis, Darrell	115:18–116:04	Objection overruled
5	Ex. 18	Lewis, Darrell	135:19–22	Objections overruled
6	Ex. 19	Lewis, Darrell	147:24–149:03	Objections overruled
7	Ex. 21	Zhao, Wei	23:04–22	Cross-designation approved
8	Ex. 22	Zhao, Wei	24:07–17	Objection overruled
9	Ex. 24	Zhao, Wei	77:10–13	Objection overruled
10	Ex. 25	Zhao, Wei	85:24–86:12	Objections overruled
11	Ex. 27	Zhao, Wei	98:15–99:03	Objections overruled
12	Ex. 28	Zhao, Wei	106:25–107:17	Overruled as to both foundation and hearsay objections. For hearsay objection: Not offered for the truth of the matter asserted, but subject to a limiting instruction
13	Ex. 29	Zhao, Wei	119:24–120:05	Overruled as to both relevance and hearsay objections. For hearsay objection: Not offered for the truth of the matter asserted, but subject to a limiting instruction.
14	Ex. 30	Zhao, Wei	134:09–139:22	Overruled. To the extent out-of-court statements are attributable to Zhong, those are opposing party's statements, which are not hearsay. See FRE 801(d)(2). To the extent out-of-court statements are attributable to others, Plaintiffs did not provide particularized hearsay objections.
15	Ex. 31	Zhao, Wei	142:19–144:12	Objections overruled
16	Ex. 32	Zhao, Wei	145:01–146:15	Objections overruled
17	Ex. 33	Zhao, Wei	146:21–147:14	Objection overruled
18	Ex. 35	Zhao, Wei	150:22–151:17	As to the relevance objection, the parties appear to agree on the exclusion of “[c]ounsel banter.” Overruled as to the

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1			hearsay objection: Not offered for the truth of the matter asserted, but subject to a limiting instruction.	
2	Ex. 36	Zhao, Wei	151:18–152:09	Objections overruled
3	Ex. 37	Zhao, Wei	153:21–154:04	Overruled: Not offered for the truth of the matter asserted, but subject to a limiting instruction.
4	Ex. 38	Zhao, Wei	154:05–155:25	Objection overruled
5	Ex. 39	Zhong, Linda	289:06–10	Overruled as to both non-responsive and hearsay objections. For hearsay objection: Not offered for the truth of the matter asserted, but subject to a limiting instruction.
6	Ex. 40	Zhong, Linda	429:11–13	Cross-designation approved
7	Ex. 41	Zhong, Linda	519:16–520:6	Cross-designation approved

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14 **IT IS SO ORDERED.**

15 Dated: 11/10/2018

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17 HAYWOOD S. GILLIAM, JR.  
18 United States District Judge